

REGISTER OF CLASSIFICATION DECISIONS

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| Date of entry in Register: | 26 September 2000 |
| Name of applicant/court: | Comptroller of Customs |
| Applicant to the Labelling Body: | Not Applicable |
| Title of Publication: | Bound & Gagged Issue 68 |
| Other Known Titles: | Bound & Gagged Issue 68 January/February 1999 |
| Director: | Not Applicable |
| Producer: | Not Applicable |
| Publisher: | Bob Wingate |
| Editor: | Bob Wingate |
| Format: | Magazine |
| Country of Origin: | USA |
| Language: | English |

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Components of film originally examined: Not Applicable.

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| Feature: | Running time: |
| Trailers: | Running time: |
| | Total Running time: |

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The magazine entitled *Bound & Gagged Issue 68* is classified as:
Objectionable.

The magazine depicts and describes sexual activity between adult males, focusing on the bondage and discipline lifestyle.

The magazine *Bound & Gagged Issue 68* is deemed objectionable because the magazine supports an activity listed in s3(2)(b) of the Films, Videos, and Publications Classification Act 1993, namely the use of coercion to compel any person to participate in, or submit to, sexual conduct. It does this by presenting three stories describing rape scenes in salacious detail and expresses the victims' eventual attraction to being raped and their wish to repeat the experience. The magazine also deals with incest in a manner that is likely to be injurious to the public good, describing the activity in terms that are arousing to the reader.

The New Zealand Bill of Rights Act 1990 (NZBR Act) has been considered in relation to this publication. As a deeming provision, s3(2) of the FVPC Act is evidence of Parliament's intention that publications to which those criteria apply should be banned. It is therefore not possible to give s3(2) an interpretation that is consistent with the freedom of expression contained in the NZBR Act. The classification of "objectionable" is the only restriction on the freedom of expression that is available to prevent injury to the public good, and which is consistent with Parliament's intention that publications such as *Bound & Gagged Issue 68* should be banned.

OFLC Ref: 196